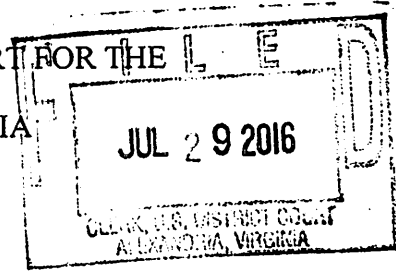


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

JAMES JEFFREY SCHROEDER,

Defendant

Case No. 1:16-MJ-344

UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Kimberly Kroemeke, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and have been by employed by ICE since 2007. I am currently assigned to the Office of the HSI, Washington, D.C. (HSI DC) and have investigated child exploitation on the internet since approximately May 2009. I have basic and on-the-job training in this investigative area, and I have participated in federal, multi-jurisdictional, and international investigations. I have participated in numerous search warrants, many of which involved child exploitation and/or child pornography offenses. Moreover, I graduated from the Federal Law Enforcement Training Center Criminal Investigator Training Program and the ICE Special Agent Training program. As part of my current duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child

pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media.

2. I submit this affidavit for the limited purpose of establishing probable cause in support of this application for a complaint and thus, it does not contain every fact gathered during the investigation.

APPLICABLE STATUTES

3. This investigation concerns alleged violations of 18 United States Code, Section 2252, relating to material involving the sexual exploitation of minors. Specifically, Title 18 United States Code, Section 2252(a)(2), prohibits the knowing receipt or distribution of any visual depiction of a minor engaging in sexually explicit conduct that has been mailed or shipped or transported in interstate or foreign commerce, and Title 18 United States Code, Section 2252(a)(4), prohibits the possession materials which contain visual depictions of minors engaged in sexually explicit conduct that have been transported in interstate or foreign commerce or that were produced using materials that have traveled in interstate or foreign commerce.

INVESTIGATION OF JAMES JEFFREY SCHROEDER

4. On July 31, 2015, a Special Agent from another Government Agency (hereafter defined only as "OGA") contacted me regarding statements made by an OGA employee participating in a voluntary polygraph examination. The OGA employee, identified as James Schroeder (and defined herein as "SCHROEDER"), admitted to viewing and possessing thousands of images and videos of child abuse materials, as well as having sexual contact with minors.

5. On July 31, 2015, the OGA sent me a copy of SCHROEDER's voluntary sworn

statement (DD Form 2824). The DD Form 2824 was signed by SCHROEDER and dated 31 Jul 2015. Excerpts from the statement are provided below:

- a. "In 1997-98, I worked as a teachers aide. During that time I touched two girls on the breast, one of them three times. They were between the ages of 15-17. At no time was there penetration of any kind."
- b. "In addition to touching one of the girls on the breast three times, I touched her vagina and [had her] performed fellatio on me."
- c. "1997-2015 I collected underage pornography. At about the 2007 timeframe, this type of porn was starting to become scarce. My main source was a website called easynews.com. It is a site that gathers information, pictures, videos, etc. from newsgroups. I would touch base on the site 1-4 times a month after 2007 just to see if anyone had posted new material."
"Although there were sexual intercourse pictures/videos in my collection, the vast majority were of naked girls or girls in bathing suits."
- d. Q: Did you state that under age pornography consumed your life for approximately 10 years? --YES
- e. Q: Did you state that you have viewed under age pornography for most of your adult life? --YES
- f. Q: Did you state that you most recently viewed illegal pornography 4-5 months ago? (under age) --YES

- g. Q: Did you state that your collection of illegal pornography (under age) contained images and videos of children aged 10-13 years of age engaging in sexual acts? – YES
- h. Q: Did you state that from approximately 1997 until 4-5 months ago you viewed this material on a daily basis? – YES
- i. Q: Did you masturbate while viewing under age pornography? – YES

6. Following the polygraph examination, on July 31, 2015, SCHROEDER permitted OGA investigators to enter SCHROEDER's residence and SCHROEDER surrendered items he believed contained child abuse materials. SCHROEDER signed a Consent for Search and Seizure form (DD Form 2816) and surrendered numerous electronic media devices.

7. On August 3, 2014, SCHROEDER requested to speak with the OGA Polygrapher. SCHROEDER was re-directed to speak with OGA investigators. SCHROEDER made a second voluntary sworn statement that provided additional details to SCHROEDER's previous statement, such as:

- a. "When I left the NAVY in 1995, I returned home to go to school. After about a year, I took a job at Sharyland High School, TX as a Teacher's Assistant"... "In this role, I met two special needs students, Maria (age 15-17) and Mary (age 14-15)."
- b. "On several occasions (5-10) in the class I gave Maria's breasts a quick squeeze without going inside her shirt. On another occasion, when we were alone in the classroom, I unzipped her pants, put my hand inside her panties and touched her vagina on the hood around the clitoris."

- c. "The last incident involving Maria took place in Oct/Nov 1998 when I took her to an unused room and had her start fellatio on me. ... I sat her down and pulled my penis out and stuck it in her mouth. She didn't close her mouth and I basically thrust my penis back and forth. After about twenty seconds, I must have touched the back of her throat because she started coughing. At this point, I stopped because I was beginning to have second thoughts and I had lost my erection. This was the last time I had physical contact with her or any underage person."
- d. "A day or so later, I attempted to use the same routine I used on Maria with another girl, Mary. I took her to the same unused room but she seemed to get uneasy, not knowing what I was talking about, so after about five minutes I took her back to the classroom."
- e. "In 2005, I was stationed in Oahu, HI and it is here that I really lost my head when it came to online porn. We would get off work at approximately two o'clock in the afternoon and it was nothing for me to spend up to ten hours online looking at all kinds of porn and masturbating. I basically had a checklist of my favorite types including underage and would visit numerous sites looking for new material."

8. On August 3, 2015 SCHROEDER surrendered additional electronic media that SCHROEDER believed contained child abuse materials. On the same date, an OGA Special Agent reviewed two cd-roms surrendered by SCHROEDER. The SA observed what he described as images containing pubescent nude minors. One female minor had breast development and in

one image was seated displaying her genitalia. Another image contained a nude female minor in a seated position with her legs pulled up to her chest and the camera focused on her genitalia.

9. On August 7, 2015, Magistrate Judge Theresa C. Buchanan issued two search warrants, one for all media surrendered by SCHROEDER and the other for SCHROEDER's residence.

10. On August 7, 2015, HSI Special Agents, with the assistance of members from the Northern Virginia Internet Crimes Against Children Task Force, executed a federal search warrant at SCHROEDER's residence. SCHROEDER waived his Miranda Warnings and agreed to participate in an interview with me and an Arlington County Police Department Detective.

11. In the interview, SCHROEDER defined child pornography as images of kids under the age of 18 in sexual or nude poses. SCHROEDER stated he downloaded child pornography and made CD's as a back-up of the child abuse materials so he could transfer the materials from old computers to new computers.

12. SCHROEDER described hitting a "high point" of viewing child abuse materials during 2005-2008 while on active duty with the NAVY. He would spend hours online. After 2008, SCHROEDER viewed child abuse materials less frequently because he was getting older and it wasn't as much of a thrill. SCHROEDER estimated he currently views child abuse materials once or twice a week or once every two weeks. SCHROEDER admitted to using child abuse materials for sexual gratification and estimated the last time this occurred was within the last two or three months.

13. SCHROEDER downloaded materials from a subscription website called easynews.com. SCHROEDER bookmarked news sites known to post images/videos of child abuse materials. SCHROEDER described his method of categorization as using the website

name the child abuse images/videos were downloaded from or the names of the images.

SCHROEDER also claimed he did his best to delete duplicate materials.

14. SCHROEDER described he was most interested in child abuse materials that comprise of: materials originating in Russia that contain minor females 10-16 years old in bikinis and "go to nude", and adults penetrating minors or an adult rubbing on a minor's (10-16 year old) vagina with their fingers or penis. SCHROEDER claimed he possessed materials that include 10-16 year old females dancing or posing and some underage boys around 9-10 years old sexually engaged with one another.

15. SCHROEDER claimed the only person he has traded child abuse materials with is his biological uncle, James Williams (hereafter Williams). According to SCHROEDER, Williams also collects child abuse materials from easynews.com. SCHROEDER stated he visits his family once or twice a year, and during those visits, he would bring a CD of child abuse materials to give Williams. Additionally, SCHROEDER would receive CDs from Williams and would bring a hard-drive in order to save child abuse materials from Williams' collection. SCHROEDER stated his most recent visit was December 2014. On that occasion, SCHROEDER provided Williams with child abuse materials, however, he was unable to obtain child abuse materials from Williams because his (Williams) hard-drive "stopped working".

16. SCHROEDER described the child abuse materials traded with WILLIAMS as minors in ages ranging from 10-16 years old.

17. Due to the amount of potential evidence contained in the submitted items, a complete forensic examination was completed of only one device. The other devices were submitted to partial forensic examination. A full analysis of a single device included identification of numerous illicit images, including approximately 13,125 images of possible child

pornography; 404 videos of possible child pornography; 33,524 images of possible child erotica; 11 videos of possible child erotica; and 37,208 images of possible child erotica/child pornography. The unallocated clusters of the devices were not forensically examined meaning the above numbers were items not deleted by the user.

21. On or about November 5, 2015, HSI DC requested the National Center for Missing and Exploited Children (NCMEC) run 47,817 images and 426 videos of suspected child abuse materials against the NCMEC Child Recognition Identification System. On or about February 10, 2016, NCMEC provided a report identifying 5,449 victims in photographs and 174 victims in videos. Two examples of files containing identified victims are as follows:

a. FILE NAME: r@ygold-vicky_all Preview.wmv

NCMEC series: Vicky

DESCRIPTION: This video file is approximately 2min and 52 seconds in length and begins with a minor female wearing sheer black thigh-high stockings lying on her back on a bed. The female minor uses her hands to touch her fully exposed genitalia and spreads her labia. No pubic hair is visible. An adult male, wearing a white shirt, rubs his erect penis on her genitalia. The video transitions to an adult male, wearing only a white shirt, standing with his erect penis exposed and a minor female performing fellatio on him. The minor female's breasts are not developed. The video then transitions to a minor female kneeling on a floor. She is wearing white thigh-high stockings, a black colored mask over her eyes, a black collar around her neck. The minor female's wrists are bound with black rope, and her ankles are bound with black material. The video transitions to the minor female wearing a black mask and bound to a bed by her wrists with black ropes. Black ropes are also used to bound her legs in a position that have them spread and her knees are raised to her chest level. The minor female's genitalia is fully

exposed. No pubic hair is visible and there is no breast development. The adult male zooms the camera to focus on the female minor's full genitalia. The female minor appears to be the same girl throughout the entire video.

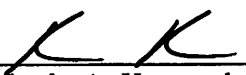
b. FILE NAME: ++20131217.avi

NCMEC series: BettyKiddy

DESCRIPTION: This video file is approximately 1min and 20 seconds in length and begins with a minor female, wearing a t-shirt, lying on her back with her legs raised. She uses her hands to touch and spread her exposed genitalia. No pubic hair is visible. The camera is zoomed to focus on her genitalia.

CONCLUSION

22. Wherefore, I respectfully request that this Court issue a criminal complaint charging JAMES JEFFERY SCHROEDER with violations of Title 18 U.S.C. §§ 2252(a)(4)(B) and 2252(a)(2), and an warrant authorizing his arrest.



Kimberly A. Kroemeke
Special Agent
Homeland Security Investigations

Sworn and subscribed before me
this 19th day of July 2016



Michael S. Nachmanoff
United States Magistrate Judge

The Honorable Michael S. Nachmanoff
UNITED STATES MAGISTRATE JUDGE